

EXHIBIT 34

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NEW JERSEY

3 -----
4 IN RE JOHNSON & JOHNSON)
5 TALCUM POWDER PRODUCTS) MDL NO.
6 MARKETING, SALES PRACTICES,) 16-2738 (FLW) (LHG)
7 AND PRODUCTS LIABILITY)
8 LITIGATION)
9 -----

10 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
11 STATE OF MISSOURI

12 VALERIE SWANN,)
13)
14 Plaintiff,)
15)
16 v.) Cause No.
17) 1422-CC09326-03
18 JOHNSON & JOHNSON, et al.,)
19)
20 Defendants.)
21 -----

22 — — —
23 Monday, September 13, 2021
24 — — —

25 Oral Deposition of JUDITH WOLF, M.D.,
held at the Fairmont Hotel, 101 Red River
Street, Austin, Texas, commencing at
9:03 a.m. CDT, on the above date, before
Michael E. Miller, Fellow of the Academy of
Professional Reporters, Certified Court
Reporter, Registered Diplomate Reporter,
Certified Realtime Reporter and Notary
Public.

26 — — —
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P R O C E E D I N G S
September 13, 2021, 9:03 a.m. CDT

JUDITH WOLF, M.D.,
having been duly sworn,
testified as follows:

EXAMINATION

11 BY MR. ZELLERS:

12 Q. Can you state your name,
13 please?

14 A. Dr. Judith Wolf.

15 Q. Dr. Wolf, my name is Michael
16 Zellers, and I'm here on behalf of the
17 Johnson & Johnson defendants for purposes of
18 both the MDL and also the Swann state court
19 cases. So I'll have a number of questions
20 for you over the course of the deposition,
21 which will go today and tomorrow.

22 If at any time you don't
23 understand a question that I ask, please tell
24 me you don't understand it, and I'll repeat
25 it or rephrase it.

Page 11

1 If there is any reason you need
2 to take a break, just tell me, and that will
3 be fine, once we complete, you know, whatever
4 question or questioning we're doing.

5 Do you have any questions
6 before we start?

7 A. I don't think so. Thank you.

8 Q. All right. You have done this
9 before; is that right?

10 A. I have.

11 Q. I understand that you were
12 deposed in the MDL ovarian cancer talc
13 proceedings back in January of 2019; is that
14 right?

15 A. That's correct.

16 Q. I also understand that you
17 testified in the Kleiner trial within the
18 last several weeks; is that correct?

19 A. That's correct.

20 Q. Other than your MDL deposition
21 and the Kleiner trial testimony, have you
22 given any other deposition or trial testimony
23 related to talc or talc products?

24 A. No.

25 Q. You -- well, let me ask you.

Page 12

1 Did you receive a copy of the
2 notice of deposition, which we'll mark as
3 Exhibit 1?

4 (Whereupon, Deposition Exhibit
5 Wolf-1, Notice of Deposition, was
6 marked for identification.)

7 A. I did.

8 BY MR. ZELLERS:

9 Q. Did you have a chance to review
10 that notice of deposition?

11 A. I did.

12 Q. Did you provide any responsive
13 documents to the notice of deposition to
14 counsel for the plaintiffs in this
15 litigation?

16 A. I did not.

17 Q. All right. Did you provide any
18 documents to counsel for plaintiffs in this
19 litigation that were responsive to the
20 deposition notice, which we've marked as
21 Exhibit 1?

22 A. I did not.

23 Q. Is it my understanding, then,
24 that you relied upon counsel to collect and
25 provide any responsive documents to the

Page 13

1 deposition notice?

2 MS. GARBER: Object.

3 DR. THOMPSON: Object to form.

4 A. My understanding of the
5 question you asked is once I received this,
6 did I provide them anything.

7 I received this yesterday, so
8 since that time, I have not given anything to
9 plaintiffs' attorneys.

10 BY MR. ZELLERS:

11 Q. Did you have an opportunity to
12 review the deposition notice?

13 A. I did.

14 Q. Did you look at the documents
15 that were requested that you produced?

16 A. Yes.

17 Q. Do you believe that all of
18 those documents, to the extent they were or
19 are in your possession, have been provided to
20 counsel for plaintiffs in this litigation?

21 A. Yes.

22 Q. You have relied upon counsel
23 for plaintiffs in this litigation to produce
24 the documents responsive to the deposition
25 notice, Exhibit 1; is that right?

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1 A. Okay.

2 Q. All right.

3 A. Okay.

4 Q. Are you, Dr. Wolf, familiar

5 with the O'Brien paper, Association of Powder

6 Use in the Genital Area With Risk of Ovarian

7 Cancer?

8 A. Is that the JAMA article from

9 January 2012?

10 Q. Yes.

11 A. I am.

12 Q. Deposition Exhibit 20, is this

13 the O'Brien study?

14 (Whereupon, Deposition Exhibit

15 Wolf-20, Association of Powder Use in

16 the Genital Area with Risk of Ovarian

17 Cancer, by O'Brien et al, was marked

18 for identification.)

19 A. This is.

20 BY MR. ZELLERS:

21 Q. Do you know any of the authors

22 of the O'Brien paper?

23 A. I do not.

24 Q. Are you aware that none of the

25 authors of this paper are experts in the talc

Page 171

1 litigation?

2 A. Well, I'm assuming they are

3 not, since none of them disclosed that they

4 were.

5 Q. Was it your idea to include

6 O'Brien in your amended report or was that a

7 study that was provided to you for inclusion

8 by the lawyers?

9 DR. THOMPSON: Object to form.

10 A. No, this was my -- this was my

11 idea to include it.

12 BY MR. ZELLERS:

13 Q. Why did you think it was

14 important to include the O'Brien paper in

15 your amended report?

16 A. Because it was another new

17 paper that came out that looked at the data,

18 the epidemiologic data to try to help us,

19 give us more information.

20 Q. More information is good,

21 correct?

22 A. Yes, and I think the

23 information in this was good.

24 Q. In O'Brien, the authors pooled

25 data from the four cohort studies; is that

Page 172

1 right?

2 A. That's correct.

3 Q. Pooled study means taking data

4 from the cohort studies and analyzing it

5 collectively rather than individually,

6 correct?

7 A. Yes.

8 Q. O'Brien was published in JAMA?

9 A. Yes.

10 Q. JAMA is one of the world's most

11 prestigious and authoritative medical

12 journals.

13 DR. THOMPSON: Object to form.

14 BY MR. ZELLERS:

15 Q. Would you agree?

16 A. JAMA is a very well-respected

17 journal, and I respect it.

18 Q. Do you agree that the O'Brien

19 study provides the best and most up-to-date

20 representation of the four cohort studies

21 that have been conducted?

22 DR. THOMPSON: Object to form.

23 A. I believe -- I agree that it

24 provides the most up-to-date information of

25 the pooled analysis of the cohort studies.

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1 BY MR. ZELLERS:

2 Q. Do you also agree that it's the

3 best representation of the four cohort

4 studies?

5 DR. THOMPSON: Object to form.

6 A. I think that's an opinion. I

7 think it's a -- it's the most up to date.

8 BY MR. ZELLERS:

9 Q. It's a good study, correct?

10 MS. GARBER: Object to the

11 form.

12 A. I think -- you know, my reading

13 of this, it's a big study. It's a recent

14 study. It was published in JAMA. That gives

15 it some weight to me.

16 Is it the best study? I don't

17 know. I wouldn't -- I'm not going to say

18 good, bad, indifferent there.

19 I'm going to say that I

20 considered it and I think it was important to

21 include it because it's the newest pooled or

22 meta-analysis study that was published and

23 the most up-to-date of all the cohort

24 studies.

25 ///

<p style="text-align: right;">Page 174</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. Okay. The pooled study</p> <p>3 includes 252,745 women, correct?</p> <p>4 A. Yes.</p> <p>5 Q. That is more women than you</p> <p>6 believe need to be studied to accurately</p> <p>7 predict the risk associated with talc use and</p> <p>8 ovarian cancer, correct?</p> <p>9 A. Yes.</p> <p>10 DR. THOMPSON: Object to form.</p> <p>11 A. Well, I will say that</p> <p>12 Dr. Narod, who I know I quoted in my report,</p> <p>13 estimated that it would take 200,000 women,</p> <p>14 and this one has more than that. So that's</p> <p>15 one of the reasons that when this came out,</p> <p>16 it was somewhat exciting, is that -- is it</p> <p>17 going to give us the answer? And I think it</p> <p>18 did help give us the answer.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. The total number of</p> <p>21 person-years studied in this pooled analysis</p> <p>22 was 3.8 million, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And if you look at Table 2, the</p> <p>25 authors provide the factual support for</p>	<p style="text-align: right;">Page 176</p> <p>1 relative risk for ever use versus never use</p> <p>2 of genital talcum powder was 1.08, confidence</p> <p>3 interval, .99 to 1.17; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. You go on then to say:</p> <p>6 However, significantly elevated risk was</p> <p>7 found in women with patent reproductive</p> <p>8 tracts. And that's the relative risk of 1.13</p> <p>9 that you pointed out on Table 2; is that</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. The finding for ever versus --</p> <p>13 strike that.</p> <p>14 The finding for ever/never use</p> <p>15 is not statistically significant, correct?</p> <p>16 DR. THOMPSON: Object to form.</p> <p>17 A. The finding for never use is --</p> <p>18 I don't know what that means. You said the</p> <p>19 finding for never use is not statistically</p> <p>20 significant. I don't know what that means.</p> <p>21 BY MR. ZELLERS:</p> <p>22 Q. For ever versus never use. So</p> <p>23 looking at the top part of our Table 2, the</p> <p>24 1.08 is not statistically significant?</p> <p>25 A. It's a positive association</p>
<p style="text-align: right;">Page 175</p> <p>1 3.8 million years; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. If we look at Table 2, the</p> <p>4 authors list the four cohort studies, NHS,</p> <p>5 NHS-2, SIS, and WHI-OS.</p> <p>6 And you're familiar with each</p> <p>7 of those cohort studies; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. The pooled estimate is</p> <p>10 3,765,706, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And if you go down to the</p> <p>13 right, the last column, the adjusted hazard</p> <p>14 ratio is 1.08 with a confidence interval</p> <p>15 of .99 to 1.7; is that correct?</p> <p>16 A. In the top half of the chart.</p> <p>17 In the bottom half of the chart, when they</p> <p>18 looked at just women with patent reproductive</p> <p>19 tracts, meaning their tubes were open and</p> <p>20 they had their uterus, the adjusted hazard</p> <p>21 rate was 1.13 and the confidence intervals</p> <p>22 were 1.01 to 1.26. Both of those things are</p> <p>23 on that chart.</p> <p>24 Q. On page 10 of your amended</p> <p>25 report, Exhibit 3, you state: The overall</p>	<p style="text-align: right;">Page 177</p> <p>1 that just barely crosses 1, and to me, that</p> <p>2 supports the rest of the literature. And</p> <p>3 specifically, again, looking at the women who</p> <p>4 I would think were at most risk, those were</p> <p>5 the talc could have entry in through the</p> <p>6 fallopian tubes through the uterus, there was</p> <p>7 a statistically significant increase.</p> <p>8 Q. Can you answer my question?</p> <p>9 A. I think I did.</p> <p>10 Q. My question is: The overall</p> <p>11 relative risk for ever use versus never use</p> <p>12 of genital talcum powder of 1.08, you</p> <p>13 describe that as a positive association, but</p> <p>14 it is not a statistically significant</p> <p>15 association, correct?</p> <p>16 DR. THOMPSON: Objection.</p> <p>17 A. It crosses 1. It's .99 to</p> <p>18 1.9 -- 17.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Is my statement correct?</p> <p>21 DR. THOMPSON: Objection.</p> <p>22 MS. GARBER: Objection.</p> <p>23 A. That means the chances of it</p> <p>24 being between .99 and 1.17 is 95%. That's my</p> <p>25 interpretation of that.</p>

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1 A. The testing today often has
2 more genes, yes.
3 BY MR. ZELLERS:
4 Q. You're aware that
5 Ms. Gallardo's mother [REDACTED]
6 [REDACTED]?
7 A. I don't recall that from her
8 records.
9 Q. Do you know whether or not
10 Ms. Gallardo's mother [REDACTED]
11 [REDACTED]?
12 A. I don't.
13 Q. If she did [REDACTED]
14 [REDACTED], correct?
15 A. Most of the time.
16 Q. So we just don't know whether
17 Ms. Gallardo's mother [REDACTED]
18 [REDACTED] correct?
19 DR. THOMPSON: Object to form.
20 MS. GARBER: Object to the
21 form.
22 A. We don't know [REDACTED]
23 [REDACTED].
24
25

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1 [REDACTED]
2 [REDACTED]. So I don't think there's
3 any information to add to that one way or
4 another.
5 MR. ZELLERS: All right. Let's
6 end for today. Because we went out of
7 order on this case, I may have a few
8 follow-up questions tomorrow, but I've
9 covered at least the bulk of my
10 questions relating to Ms. Gallardo.
11 So we'll come back in the
12 morning, and we will do the other
13 three cases.
14 THE WITNESS: Okay.
15 MR. ZELLERS: Okay. We're off
16 the record.
17 (Time noted: 6:01 p.m. CDT)
18 --o0o--
19
20
21
22
23
24
25

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1 CERTIFICATE
2 I, MICHAEL E. MILLER, Fellow of
3 the Academy of Professional Reporters,
4 Registered Diplomat Reporter, Certified
5 Realtime Reporter, Certified Court Reporter
6 and Notary Public, do hereby certify that
7 prior to the commencement of the examination,
8 JUDITH WOLF, M.D. was duly sworn by me to
9 testify to the truth, the whole truth and
10 nothing but the truth.
11 I DO FURTHER CERTIFY that the
12 foregoing is a verbatim transcript of the
13 testimony as taken stenographically by and
14 before me at the time, place and on the date
15 herebefore set forth, to the best of my
16 ability.
17 I DO FURTHER CERTIFY that pursuant
18 to FRCP Rule 30, signature of the witness was
19 not requested by the witness or other party
20 before the conclusion of the deposition.
21 I DO FURTHER CERTIFY that I am
22 neither a relative nor employee nor attorney
23 nor counsel of any of the parties to this
24 action, and that I am neither a relative nor
25 employee of such attorney or counsel, and
that I am not financially interested in the
action.

MICHAEL E. MILLER, FAPR, RDR, CRR
Fellow of the Academy of Professional Reporters
NCRA Registered Diplomat Reporter
NCRA Certified Realtime Reporter
Certified Court Reporter

Notary Public in and for the
State of Texas
My Commission Expires: 7/9/2024
Dated: September 16, 2021

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1 INSTRUCTIONS TO WITNESS
2
3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the
6 appropriate space on the errata sheet for any
7 corrections that are made.
8 After doing so, please sign the
9 errata sheet and date it.
10 You are signing same subject to
11 the changes you have noted on the errata
12 sheet, which will be attached to your
13 deposition.
14 It is imperative that you return
15 the original errata sheet to the deposing
16 attorney within thirty (30) days of receipt
17 of the deposition transcript by you. If you
18 fail to do so, the deposition transcript may
19 be deemed to be accurate and may be used in
20 court.
21
22
23
24
25